

## **REMARKS**

No claims have been amended, cancelled or added. Hence, Claims 1 – 40 are pending in the Application.

## **SUMMARY OF REJECTIONS/OBJECTIONS**

Claims 1 – 5 and 21 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0143735 (herein “Ayi”) in view of U.S. Patent No. 5,787,428 (herein “Hart”).

Claims 6 – 20 and 26 – 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,859,966 (herein “Hayman”).

### **Claims 1 – 5 and 21 – 25**

The Declaration and Exhibits A, B, C and D attached to the Reply to Office Action mailed October 18, 2004, were presented to offer sufficient evidence that there was an actual reduction to practice prior to the reference date of Ayi et al. (Pub No.: 2002/0143735 A1). The evidence offered presented both facts and data with clear explanations to show the completion of an implementation of Claims 1 – 5 and 21 – 25.

The Office Action alleges that the Declaration and Exhibits A, B, C and D filed under 37 CFR 1.131 to overcome Ayi is defective because the declaration is not signed by all of the inventors. This is simply not true. 37 CFR §1.4 was changed effective September 21, 2004, to allow the use of S-Signatures. 37 CFR 1.4(d)(2) provides that an S-Signature is any signature between the forward slashes by electronic or mechanical means and that they may be used to sign all correspondence unless otherwise explicitly excluded.

The requirements for S-signatures are that the signature must consist only of letters, it must be placed between forward slashes, the person signing must insert his or her own signature, the name of the person signing must be printed or typed immediately adjacent to the S-signature,

and a registered practitioner may S-sign but their registration number is required. Once the S-signature is obtained, then the practitioner may mail, facsimile, or hand carry the S-signed document to the USPTO. *Changes to Support Implementation of the USPTO 21St Century Strategic Plan*, Final Rule 69 FR 56481 (September 21, 2004) 1287 Off. Gaz. Pat. Office 67 (October 12, 2004). In the declarations presented to Examiner, all requirements are met and the signed documents were then forwarded via mail to the USPTO. The declaration was properly signed using the S-signature after the effective date of the changes to 37 CFR §1.4 which allowed this procedure. Thus the declarations are not defective.

The Office Action further alleges that no evidence was supplied which proved an actual reduction to practice prior to the reference date of the Ayi reference. This is also untrue. Included with the declarations were Exhibits A, B, C and D which are test scripts and results which were executed on a computer system with an implementation of the invention covering Claims 1-5 and 21-25. The Office Action, however, states that “Exhibit[s] A, B, C and D do not qualify as evidence because they do have date and time to prove the apparatus actually existed and worked for its intended purpose prior to the reference date.”

MPEP 715.07 II provides the following:

“If the dates of the exhibits have been removed or blocked off, the matter of dates can be taken care of in the body of the oath or declaration.

When alleging that conception or a reduction to practice occurred prior to the effective date of the reference, the dates in the oath or declaration may be the actual dates or, **if the applicant or patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date...**” (emphasis added)

The MPEP does not require the date and time in the proof for reduction to practice. In the declaration of the present case, Applicants, declared that “they conceived and reduced to practice an implementation of Claims 1-5 and 21-25 before the effective filing date of Ayi.” Declaration, par. 3. This is sufficient under the requirements of MPEP to establish a date prior to the reference date.

The Office Action also alleges that the “applicants rely on various written descriptions to prove reduction to practice.” The Exhibits included with the declaration are not written descriptions, but printouts of test data from an implementation of the invention. Exhibits A and C are test script files used to run the tests. Exhibits B and D are printouts of the log files that show the test were successfully run. The Inventors attested that the contents of the Exhibits were all run and produced on the implementation before the effective filing date of Ayi. Thus the evidence shows that there were tests run on the implementation, the contents of the test scripts run, and that the tests were successful.

The Office Action furthermore alleges that the “affidavit or declaration and exhibits must clearly explain which facts or data applicant is [relying] on to show completion of his or her invention prior to the particular date.” The declaration was specific in detailing that the contents of the Exhibits were actual test scripts and results run on an implementation of the invention prior to the priority date of Ayi. For example, “5. Attached as Exhibit A is a true and correct print out of substantially all of test script file ‘tzlas01.sql’. The test script was used to test the implementation”. Declaration, par. 5. The declaration clearly explained that Exhibit A was a test script and that this script was used to test the implementation. The statement, along with similar ones for Exhibits B, C and D are not vague or present general allegations. “9. Exhibits A, B, C and D are submitted as probative of the fact that the successful tests referred to in paragraph 4 were executed before the filing date of Ayi.” Declaration, par. 9.

Finally, the Office Action states that the “declaration submitted by the applicants [is] just a general allegation that … establish[es] conception and reduction to practice of the invention prior to the Ayi reference.” The declaration and Exhibits do not present general allegations but show evidence that an implementation was made and that tests on that implementation were

successfully run prior to the reference date of Ayi. A working implementation indicates that there was also an actual reduction to practice prior to the reference date of Ayi.

The attached declaration and Exhibits present sufficient evidence that an implementation of Claims 1 – 5 and 21 – 25 was developed and successfully tested before the effective filing date of Ayi, March 30, 2001. Therefore, Claims 1 – 5 and 21 – 25 were reduced to practice by the inventors before the effective filing date of Ayi. Ayi cannot be used as a valid basis for rejecting Claims 1 – 25 under 103(a). Reconsideration and allowance of Claims 1 – 5 and 21 – 25 is respectfully requested.

### **Claims 6 and 26**

Claims 6 and 26 recite:

registering, with a database management system, one or more packages of routines, wherein each package of said one or more packages implements a security model that supports a model set of one or more policies of the database policy set and said each package includes an access mediation routine; associating a first policy of a first model set in a first package with a first table within the database system; and invoking the access mediation routine in the first package for determining whether to allow operation on data in the first table based on the first policy.

Claims 6 and 26 require “registering, with a database management system … one or more packages of routines … [that] include an access mediation routine,” and “invoking the access mediation routine [to determine] . . . whether to allow operation on data in the first table.” This feature is not disclosed or suggested by Hayman.

As a preliminary matter, Ayi may not be used as prior art with respect to these claims. A reference is not allowed when the invention is actually reduced to practice prior to the effective

date of the reference. The Declaration, Exhibits and arguments presented previously provide sufficient evidence to show that the claimed invention has been reduced to practice prior to the effective date of the Ayi application. For this reason alone, the rejection is improper. Nevertheless, features of Claims 6 and 26 are not taught or suggested by Hayman.

The first requirement of Claims 6 and 26 is “*registering*, with a database management system, one or more *packages of routines*...” These packages of routines are separate from the label-based security policies which govern whether operations can be performed on particular data. This is significant because it allows the routines to be administered and customized separate from the label-based security policies. An example of this registering can be found on the bottom of p. 17 of the Written Description. The Hayman reference does not discuss or teach that routines that are registered with the database management system. Hayman does describe security labels in the form of a capability set that are assigned or placed on an object by the owner of the object. However these labels cannot in any way be equated to the routines used to support the label-based security policies.

Claims 6 and 26 continues “wherein *each package* [of routines] of said one or more packages *implements a security model* that *supports a model set of one or more policies* of the database policy set and said each package includes an *access mediation routine*” The package of routines implements a security model that includes an access mediation routine. The routines support the label-based security policies by “associating a first policy ... with a first table within the database system” and most importantly, “invoking the *access mediation routine* in the first package for determining whether to allow operation on data ... based on the first policy”. Thus the routines support and allow the label-based security policies to dictate access to certain data. The access mediation routine actually determines if the operation can be allowed based on the information on the policy.

Hayman, however, only discusses the use of security-based labels and not registered routines that may be, for example, customized to affect how those labels are used to determine proper access. The Hayman implementation uses non-registerable and native components of an application to implement the policies.

For example, Hayman discusses the use of a Reference Monitor: “The Reference Monitor is the entity that mediates all requests for access to an object by a subject, and thus controls whether, and to what extent, the subject is granted access to the object” Col. 9, lines 56-59. However, the reference does not disclose that this may be registered so that it can be customized and implemented by the user. Indeed, it was described in a version of Data General’s security system that it is “tightly integrated with Data General’s operating system” Col. 1, lines 26-28. This indicates that customization is not readily possible and that the Monitor is actually an embedded native software component of the security system, not a separate module that needs to be registered. Again, this is all in contradiction to the elements of Claims 6 and 26.

The Office Action also alleges that the change password program clearly is registered. However, this allegation is unsupported by Hayman and has simply no basis in fact.

Based on the foregoing, claims 6 and 26 are not obvious over Hayman and are therefore patentable. Reconsideration and allowance of claims 6 and 26 are respectfully requested.

### **Dependent Claims**

The pending claims not discussed so far are dependent claims that depend on an independent claim that is discussed above. Because each of the dependent claims includes the limitations of claims upon which they depend, the dependent claims are patentable for at least those reasons the claims upon which the dependent claims depend are patentable. Removal of the rejections with respect to the dependent claims and allowance of the dependent claims is respectfully requested. In addition, the dependent claims introduce additional limitations that

independently render them patentable. Due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

For the reasons set forth above, Applicant respectfully submits that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



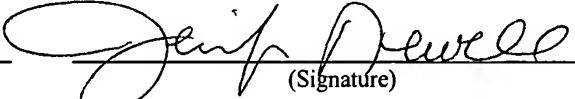
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